



## United States Mission to the OSCE

# Statement on Trafficking in Human Beings

As prepared for delivery by Janice Helwig, U.S. Helsinki Commission,  
to the OSCE Human Dimension Implementation Meeting  
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When the issue of human trafficking was first raised in the OSCE in 1996, only a handful of participating States had laws prohibiting human trafficking and few governments provided any aid to victims. Since then, and thanks to OSCE involvement, participating States have made serious progress in both of these areas. The United States has devoted more than \$295 million over the last four years to combat trafficking in more than 120 countries. A full report of the U.S. Government's efforts to combat trafficking, issued annually by the U.S. Department of Justice, is available on the Internet (<http://www.usdoj.gov/trafficking.htm>).

Many other governments have also committed significant resources. Although one hundred and fifty countries have a documented trafficking problem (source: U.S. State Department's fifth annual *Trafficking in Persons Report*), all but 14 of those countries have made significant efforts during the past year to address this criminal activity. For the second year in a row, the U.S. report found that all of the OSCE countries and partner states have made significant efforts to combat trafficking and aid victims, although several only barely passed this minimal threshold. Also in the past year, twenty OSCE countries enacted new laws or amended old ones to combat human trafficking. Only a few still lack laws directly criminalizing the act of human trafficking. We are encouraged by Azerbaijan's progress in drafting new legislation criminalizing trafficking, and urge completion of the legislative process and effective implementation.

We have come far in our fight against human trafficking, but there is still an extraordinary amount of work to be done. All OSCE countries must improve implementation of anti-trafficking laws already on the books. Many countries have yet to criminalize sex tourism and involvement in trafficking by peacekeepers and other international personnel. Anti-discrimination laws are needed in countries of origin to address the underlying economic disadvantages for women and minorities that push vulnerable individuals into the grip of traffickers. In countries of destination, governments and the public must recognize the role they play in creating or allowing the demand that encourages human trafficking and that enables organized criminal groups to generate, according to an ILO estimate, \$32 billion annually at the cost of human misery. Countries of destination need to develop compassionate approaches to victim identification, victim protection, and long-term victim assistance, including a legal basis for residency status for victims of trafficking.

As described in the new Council of Europe Convention Against Trafficking in Human Beings, all countries need to ensure that trafficking offenses are punishable by “effective, proportionate and dissuasive sanctions” and that such punishments are actually imposed. This is essential to rebalancing the risk/reward equation that still makes human trafficking a high profit/low risk criminal enterprise. In 2004, nearly 7,000 traffickers were prosecuted worldwide and more than 3,000 convicted, including 1,274 in countries of Europe and Eurasia. These law enforcement statistics reflect an increase in the number of convictions from the previous year and demonstrate the importance of countries acquiring the legal tools necessary to combat trafficking and the political will to implement those tools.

Regrettably, in many OSCE countries, particularly Armenia, Azerbaijan, Bosnia, the Czech Republic, Estonia, Kazakhstan, Latvia, and Ukraine, courts have been imposing suspended or conditional sentences for serious trafficking crimes. In Uzbekistan, a promising increase in trafficking-related convictions was marred by an amnesty of all prisoners sentenced to less than ten years in prison. Consequently, most convicted traffickers in humans serving little or no jail time. Furthermore, weak punishments that neither result in significant time behind bars nor adequately reflect the magnitude of the crime simply do not deter human trafficking. In Armenia, widespread judicial corruption and reluctance to apply harsh anti-trafficking statutes resulted in lenient penalties for the few traffickers who were actually tried in court. In most of the countries just listed, higher penalties are available to judges under the criminal code, but judicial systems favor the use of low sentences for first-time offenders. We must work together to educate prosecutors and members of the judiciary about the heinous nature of trafficking and emphasize that convictions need to result in real punishments. Romania has done important work in creating an effective network of specially-trained judges to handle human trafficking cases.

The United States urges the OSCE Chairman-in-Office to keep trafficking high on the OSCE’s agenda. We fully support the work of the Anti-Trafficking Assistance Unit in Vienna and have seconded an anti-trafficking expert as director the ATAU. We encourage the ATAU to continue its positive cooperation with the Office for Democratic Institutions and Human Rights, the Strategic Police Matters Unit, and the Office of the Coordinator for Economic and Environmental Activities toward the achievement of shared, strategic objectives.

The United States also welcomes the adoption of an Addendum to the OSCE Action Plan on Trafficking, which addresses the special needs of child victims of trafficking. It is particularly important that the addendum recognizes the problem of internal trafficking of children within the borders of a child’s own country. U.S. Government estimates show that more people worldwide are victimized through internal trafficking than by international trafficking, and yet the former is only beginning to receive the attention that it requires.

Last year, the United States proposed a Ministerial Council decision regarding the responsibilities of participating States to prevent military and civilian peacekeepers from

contributing to the problem of trafficking in human beings. Regrettably, Russia withheld consensus. In connection with international deployments to Bosnia and Herzegovina, Kosovo, the Democratic Republic of Congo, and elsewhere, researchers, the press, NGOs, and the United Nations itself have documented a correlation between international personnel arriving in large numbers in post-conflict regions and resulting problems of sexual exploitation and abuse of local populations or increases in trafficking of women and girls into prostitution. In the past, the lack of appropriate codes of conduct for international personnel, including military service members, contractors, and employees of international organizations, limited the ability to counter sexual exploitation and trafficking. That is finally changing, but the enforcement of policies against individual perpetrators ultimately remains the responsibility of each troop-contributing country. For that reason, OSCE participating States need to review the sufficiency of national laws to ensure that a basis exists to enforce policies against exploitation, abuse and trafficking by their troops serving on peacekeeping missions abroad. The United States calls upon all participating States to support further action at the Ministerial Council later this year to combat this aspect of trafficking.

Finally, the U.S. Delegation would like to report that, in keeping with its OSCE commitments, the United States has moved closer to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Organized Crime. The Bush Administration fully supports this Protocol and, on July 26, the Foreign Relations Committee of the United States Senate approved the Protocol. The final step needed for Congressional approval is a vote of the full Senate.